

**FORTY-THIRD LEGISLATIVE DAY  
MONDAY, FEBRUARY 17, 2003**

House of Representatives

The House convened at 9:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Kate DeGroot, Page.

**Approval of Journal**

February 17, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fortieth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

At this time, the Speaker put the House at ease.

**MEMORIAL SERVICE**

- Opening Remarks ..... Representative Elaine Smith
- Choral Performance ..... Boise Choristers  
    “My Shepherd Will Supply My Need”  
    “There is a Balm in Giliad”
- Karma Ellsworth ..... Choir Director  
    Riverglen Junior High School
- Julia Kole ..... Choir Director
- Closing ..... Representative Elaine Smith

**A HOUSE MEMORIAL**

WHEREAS, Representative Elmer C. Leonardson has passed on since the close of the First Regular Session of the Fifty-sixth Idaho Legislature; and

WHEREAS, the late Representative Leonardson served in this House, in the interest of Clark County during the Thirty-eighth Legislature covering the years 1965 through 1966.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-seventh Legislature draw public attention by this Memorial to the life and works of Elmer C. Leonardson.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-seventh Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to

spread this Memorial upon the Journal of the House, and to forward copies to the members of the Leonardson family.

Representative Wood paid tribute to the former Representative Leonardson.

**A HOUSE MEMORIAL**

WHEREAS, Representative Walter Carr has passed on since the close of the Second Regular Session of the Fifty-sixth Idaho Legislature; and

WHEREAS, the late Representative Carr served in this House, in the interest of Adams, Boise, Gem, and Valley Counties during the Thirty-ninth through Forty-first Legislatures covering the years 1967 through 1972.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-seventh Legislature draw public attention by this Memorial to the life and works of Walter Carr.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-seventh Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Carr family.

Representative Skippen paid tribute to the former Representative Carr.

**A HOUSE MEMORIAL**

WHEREAS, Representative Noy Brackett has passed on since the close of the Second Regular Session of the Fifty-sixth Idaho Legislature; and

WHEREAS, the late Representative Brackett served in this House, in the interest of Twin Falls County during the Forty-third through Forty-eighth Legislatures covering the years 1975 through 1986.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-seventh Legislature draw public attention by this Memorial to the life and works of Noy Brackett.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-seventh Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Brackett family.

Representative Jones paid tribute to the former Representative Brackett.

**A HOUSE MEMORIAL**

WHEREAS, Representative K. Jim Ries has passed on since the close of the Second Regular Session of the Fifty-sixth Idaho Legislature; and

WHEREAS, the late Representative Ries served in this House, in the interest of Idaho, Lewis, and Nez Perce Counties during the Forty-fourth through Forty-fifth Legislatures covering the years 1977 through 1979.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-seventh Legislature draw public attention by this Memorial to the life and works of K. Jim Ries.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-seventh Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Ries family.

Representative Naccarato paid tribute to the former Representative Ries.

Prior to going at ease, the House was at the Fourth Order of Business.

#### Consideration of Messages from the Governor and the Senate

February 14, 2003

Mr. Speaker:

I return herewith enrolled **H 84** which has been signed by the President.

WOOD, Secretary

Enrolled **H 84** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

#### Report of Standing Committees

February 17, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 23, H 265, H 266, H 267, and H 268.**

FIELD(18), Chairman

**HCR 23** and **H 265** were referred to the Revenue and Taxation Committee.

**H 266** was referred to the Judiciary, Rules, and Administration Committee.

**H 267** and **H 268** were referred to the State Affairs Committee.

February 17, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HJM 1** and **HCR 8.**

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HJM 1** and **HCR 8**, and, when so signed, ordered them transmitted to the

Senate for the signature of the President.

February 17, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 91** and **H 33** to the Governor at 12:05 p.m., as of this date, February 14, 2003.

FIELD(18), Chairman

February 14, 2003

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 19, H 20,** and **H 21** and recommend that they do pass.

SALI, Chairman

**H 19, H 20,** and **H 21** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

#### Motions, Memorials, and Resolutions

Mr. Denney moved that the following persons be approved as attaches to serve the House of Representatives for and during the First Regular Session of the Fifty-seventh Idaho Legislature. Seconded by Ms. Jaquet.

Pages:

Brenton Baldwin  
Jessica Balzer  
Katie Cox  
Kate DeGroot  
Casey DuBose  
Kim Forrey  
Brandi Gill

Janna Hansen  
Jessica Helsley  
Brittini McLam  
Julianne Peters  
Jonathan Sater  
Courtney Sorensen  
Kristina Uhlenkott

Whereupon the Speaker declared the motion carried by voice vote and administered the oath of office to the above named attaches.

#### HOUSE JOINT MEMORIAL NO. 4 BY WAYS AND MEANS COMMITTEE

##### A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the government of the United States of America and of the several states were created and rest upon settled principles of the rule of law; and

WHEREAS, the proper, orderly and reliable administration of justice depends upon fairness, impartiality, absence of bias or prejudice, absence of political dogma, and respect for the Constitution of the United States of America, which all judges are bound by oath of office to support and enforce, and upon judicial restraint; and

WHEREAS, the United States Court of Appeals for the Ninth Circuit has a history of ignoring and violating these cornerstones of the administration of justice and of deciding cases in ways which place political dogma, social engineering, and personal doctrines of world view ahead of proper judicial neutrality; and

WHEREAS, the liberal, environmental tendencies of the Ninth Circuit do not reflect the political philosophies of the citizens of Idaho, thus weakening the traditional economic foundation of the state; and

WHEREAS, the said court has most recently misread, misinterpreted and misapplied the Second Amendment to the Constitution of the United States, thereby imposing an unnatural, distorted meaning to that amendment which ignores its plain and clear meaning to protect the right of the people to keep and bear arms in such a way that the amendment is twisted into guaranteeing that right only to the National Guard, such ruling being at odds with logic and judicial reason; and

WHEREAS, decisions of the Ninth Circuit Court of Appeals are more frequently overturned by the United States Supreme Court than any other circuit in the country; and

WHEREAS, the Ninth Circuit Court decision that "God" in the Pledge of Allegiance violates the principle of the separation of church and state, and undermines the Judeo-Christian base upon which our country was founded; and

WHEREAS, the Ninth Circuit Court of Appeals is geographically the largest of the circuit courts in the nation, and is already overburdened with a large caseload; and

WHEREAS, the great state of Idaho and its citizens deserve to live and prosper under the Constitution of the United States of America as written, free from abuse and distortion.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Idaho delegation in the United States Congress to sponsor and support legislation to create a new Circuit of the United States Court of Appeals for better regional representation, wherein the judges thereof administer justice fairly, impartially and free from bias and distortion of the Constitution of the United States, and to place Idaho in this new circuit.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**HJM 4** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 269  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO THREATS OF VIOLENCE AT SCHOOLS; AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1225, IDAHO CODE, TO PROVIDE FOR REPORTS OF THREATS OF VIOLENCE OR POTENTIAL VIOLENCE AND TO GOVERN LIABILITY FOR DEFAMATION.

**HOUSE BILL NO. 270  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO PURCHASE OF PROPERTY BY THE SCHOOL DISTRICT BOARD OF TRUSTEES; AMENDING SECTION 33-601, IDAHO CODE, TO INCREASE THE MINIMUM EXPENDITURE FOR WHICH THE BOARD MUST ADVERTISE FOR BIDS AND PERMIT THE SCHOOL TRUSTEES TO PROCEED UNDER ITS OWN DIRECTION IN THE CONDITION SPECIFIED.

**HOUSE BILL NO. 271  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5202, IDAHO CODE, TO CLARIFY LEGISLATIVE INTENT; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE THAT A CHARTER SCHOOL SHALL SERVICE STUDENTS IN ITS ATTENDANCE AREA AS SPECIFIED IN ITS CHARTER; AMENDING SECTION 33-5205, IDAHO CODE, TO CLARIFY THAT THE REQUIREMENT OF A PETITION TO PROVIDE A PUBLIC SCHOOL ATTENDANCE ALTERNATIVE FOR STUDENTS NOT ATTENDING A CHARTER SCHOOL IN THE DISTRICT APPLIES ONLY IF THE PETITION IS FOR CONVERSION OF AN EXISTING PUBLIC SCHOOL; AMENDING SECTION 33-5207, IDAHO CODE, TO PROVIDE FOR A THREE MEMBER HEARING PANEL TO REVIEW APPEALS SUBMITTED TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AND TO PROVIDE THAT WHEN THE STATE BOARD OF EDUCATION REVIEWS AN APPEAL, IT MAY APPROVE A CHARTER FOR THE ESTABLISHMENT OF A NEW CHARTER SCHOOL IF IT DETERMINES THE PETITION MEETS THE INTENT OF LAW; AND AMENDING SECTION 33-5209, IDAHO CODE, TO CLARIFY REASONS FOR WHICH A CHARTER MAY BE REVOKED BY THE ORIGINAL AUTHORITY WHICH GRANTED THE CHARTER.

**HOUSE BILL NO. 272  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO THE PUBLIC RECORDS ACT; AMENDING SECTION 9-348, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE PROHIBITION ON DISTRIBUTION OR SALE OF MAILING OR TELEPHONE NUMBER LISTS TO ALLOW STUDENT DIRECTORY INFORMATION TO BE RELEASED TO MILITARY

RECRUITERS FOR MILITARY RECRUITING PURPOSES PURSUANT TO THE REQUIREMENTS OF FEDERAL LAWS.

**HOUSE BILL NO. 273**  
**BY WAYS AND MEANS COMMITTEE**  
AN ACT

RELATING TO RECREATIONAL TRESPASS AND LIMITATION OF LIABILITY OF LANDOWNER; AMENDING SECTION 36-1604, IDAHO CODE, TO PROVIDE FOR LIMITATION OF LIABILITY OF AN OWNER OF LAND SUBJECT TO A CONSERVATION EASEMENT TO ANY GOVERNMENTAL ENTITY OR NONPROFIT ORGANIZATION AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 274**  
**BY WAYS AND MEANS COMMITTEE**  
AN ACT

RELATING TO ANNEXATION OF ADJACENT TERRITORY BY CITIES; REPEALING SECTION 50-222, IDAHO CODE; AMENDING CHAPTER 2, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-222, IDAHO CODE, TO PROVIDE FOR ANNEXATION OF ADJACENT TERRITORY, TO PROVIDE FOR CONTENT OF ALL ANNEXATION PROPOSALS, TO PROVIDE FOR VOLUNTARY ANNEXATION OR ANNEXATION BY REQUEST, TO PROVIDE FOR INVOLUNTARY ANNEXATION OR ANNEXATION BY FORCE, TO PROVIDE FOR ANNEXATION OF RAILROAD RIGHT-OF-WAY PROPERTY UNDER CERTAIN CONDITIONS, TO PRECLUDE ANNEXATION OF PROPERTY USED AS A FAIRGROUNDS AREA UNLESS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AND TO PRECLUDE ANNEXATION OF CERTAIN PROPERTY OWNED BY A NONGOVERNMENTAL ENTITY USED TO PROVIDE OUTDOOR RECREATIONAL ACTIVITIES TO THE PUBLIC UNLESS EXPRESS WRITTEN PERMISSION IS GIVEN BY THE NONGOVERNMENTAL ENTITY; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 275**  
**BY WAYS AND MEANS COMMITTEE**  
AN ACT

RELATING TO ROADS; AMENDING SECTION 40-107, IDAHO CODE, TO REVISE THE DEFINITION OF FEDERAL LAND RIGHTS-OF-WAY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-117, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY AND USE OF THE TERM; AMENDING SECTION 40-203, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY, TO PROVIDE FOR RECORDING ACKNOWLEDGMENTS OF FEDERALLY-GRANTED RIGHTS-OF-WAY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 40-203A, IDAHO CODE, TO PROVIDE THAT ANY FEDERALLY-GRANTED RIGHT-OF-WAY IS EXCEPTED FROM THE PROVISIONS OF THIS SECTION UNLESS IT HAS BEEN AFFIRMATIVELY RECOGNIZED AND MADE A PART OF A HIGHWAY SYSTEM; AMENDING SECTION 40-204A, IDAHO CODE, TO CLARIFY ACCEPTANCE OF

THE GRANT BY RECOGNIZING THE ACTIONS OF THE PUBLIC AND PUBLIC OFFICIALS INCLUDING THE COMMON LAW, TO PROVIDE EXCLUSIVE JURISDICTION OF THE COUNTY WITH REGARD TO FEDERALLY-GRANTED RIGHTS-OF-WAY WITH AN EXCEPTION, AND TO REQUIRE THE PARTICIPATION OF AFFECTED LOCAL HIGHWAY JURISDICTIONS IN A DETERMINATION PROCEEDING OF A CLAIMED FEDERALLY-GRANTED RIGHT-OF-WAY, TO CLARIFY THE METHOD TO RELINQUISH SUCH RIGHTS-OF-WAY, TO CLARIFY LACK OF USE OR MAINTENANCE WITH RESPECT TO LAW, TO PROVIDE A PROCEDURE BY WHICH A BOARD OF COUNTY COMMISSIONERS SHALL DETERMINE THE STATUS, REGULATION AND LOCATION OF A FEDERALLY-GRANTED RIGHT-OF-WAY, TO PROVIDE FOR JUDICIAL REVIEW OF A DETERMINATION BY A BOARD OF COUNTY COMMISSIONERS, TO PROVIDE FOR MANAGEMENT OF A FEDERALLY-GRANTED RIGHT-OF-WAY ON STATE ENDOWMENT LANDS, TO DELETE REDUNDANT LANGUAGE, TO CLARIFY THAT FEDERAL OWNERSHIP OF THE SURFACE ESTATE OF PROPERTY OVER WHICH A RIGHT-OF-WAY PASSES IS NOT AFFECTED BY THE RIGHT-OF-WAY, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-208, IDAHO CODE, TO PROVIDE THAT THE DECISION OF A BOARD OF COUNTY COMMISSIONERS REGARDING THE DETERMINATION OF A FEDERALLY-GRANTED RIGHT-OF-WAY PURSUANT TO SECTION 40-204A, IDAHO CODE, IS SUBJECT TO JUDICIAL REVIEW AS PROVIDED THEREIN AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

**HOUSE JOINT RESOLUTION NO. 3**  
**BY WAYS AND MEANS COMMITTEE**  
A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTIONS 6, 11, 12 AND 23 OF ARTICLE V, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE JUDICIAL BRANCH OF GOVERNMENT, TO PROVIDE THAT SUPREME COURT JUSTICES, JUDGES OF THE COURT OF APPEALS AND DISTRICT COURT JUDGES BE SELECTED AND RETAINED AS PROVIDED BY SECTION 22, ARTICLE V, OF THE CONSTITUTION OF THE STATE OF IDAHO AND TO DELETE A RESIDENCY REQUIREMENT FOR DISTRICT JUDGES; AMENDING ARTICLE V OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 22, ARTICLE V, OF THE CONSTITUTION OF THE STATE OF IDAHO, TO CREATE A NON-PARTISAN JUDICIAL COUNCIL WHICH SHALL SUBMIT TO THE GOVERNOR THE NAMES OF NOT LESS THAN TWO NOR MORE THAN FOUR QUALIFIED PERSONS TO FILL VACANCIES IN THE OFFICE OF THE SUPREME COURT JUSTICE, JUDGE OF THE COURT OF APPEALS, OR A DISTRICT JUDGE, TO PROVIDE THAT THE GOVERNOR SHALL SELECT FROM THE NOMINEES AND TO PROVIDE THAT IF THE GOVERNOR FAILS TO APPOINT ANY OF THE NOMINEES WITHIN SIXTY CALENDAR DAYS AFTER THE LIST OF NOMINEES IS

SUBMITTED, THE JUDICIAL COUNCIL SHALL APPOINT ONE OF THE NOMINEES TO FILL THE VACANCY AND TO PROVIDE A RETENTION ELECTION AT THE PRIMARY ELECTION FOR JUSTICES OF THE SUPREME COURT, A JUDGE OF THE COURT OF APPEALS OR A DISTRICT COURT JUDGE; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**H 269, H 270, H 271, H 272, H 273, H 274, H 275**, and **HJR 3** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

### Second Reading of Bills and Joint Resolutions

**H 38, H 40**, and **H 36**, by Mr. Speaker, requested by Outfitters and Guides Licensing Board, were read the second time by title and filed for third reading.

**H 92**, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

**H 162, H 164, H 165**, and **H 166**, by State Affairs Committee, were read the second time by title and filed for third reading.

### Third Reading of Bills and Joint Resolutions

**H 150** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Campbell and Mr. Raybould to open debate.

The question being, "Shall **H 150** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ridinger, Ring, Roberts, Rydalch, Schaefer(Schaefer), Shirley, Skippen, Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 51.

NAYS -- Andersen, Bieter, Boe, Cuddy, Douglas, Henbest, Jaquet, Jones, Langhorst, Martinez, Mitchell, Naccarato, Ringo, Robison, Sayler, Shepherd, Smith(30), Smith(24). Total -- 18.

Absent and excused -- Sali. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 150** passed the House. Title was approved and the bill was ordered transmitted to the

Senate.

**H 43** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Campbell to open debate.

The question being, "Shall **H 43** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Eberle, Henbest, Sali. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 43** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 58** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cannon to open debate.

The question being, "Shall **H 58** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Mr. Speaker. Total -- 63.

NAYS -- Barrett, Kulczyk, McKague, Ridinger, Sali, Wood. Total -- 6.

Absent and excused -- Henbest. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 58** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 179** was read the third time at length, section by section,

and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall **H 179** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **H 179** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 194** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood to open debate.

Ms. Jaquet asked unanimous consent that **H 194** be placed on General Orders for consideration. Representative Crow objected.

Ms. Jaquet moved that **H 194** be placed on General Orders for consideration. Seconded by Mrs. Boe.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES -- Andersen, Bieter, Boe, Cuddy, Douglas, Edmunson, Henbest, Jaquet, Jones, Langhorst, Martinez, Meyer, Miller, Mitchell, Naccarato, Nielsen, Ridinger, Ringo, Robison, Sayler, Shepherd, Smith(30), Smith(24), Smylie, Snodgrass, Trail. Total -- 26.

NAYS -- Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Moyle, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer(Schaefer), Shirley, Skippen, Stevenson, Tilman, Wills, Wood, Mr. Speaker. Total -- 44.

Total -- 70.

Whereupon the Speaker declared the motion failed.

The question being, "Shall **H 194** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Eberle, Eskridge, Field(23), Gagner, Garrett, Harwood, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Miller, Moyle, Raybould, Ring, Roberts, Robison, Rydalch, Schaefer(Schaefer), Skippen, Stevenson, Tilman, Wood, Mr. Speaker. Total -- 41.

NAYS -- Andersen, Bieter, Boe, Bolz, Cuddy, Edmunson, Ellsworth, Field(18), Henbest, Jaquet, Jones, Langhorst, Martinez, Meyer, Mitchell, Naccarato, Nielsen, Ridinger, Ringo, Sali, Sayler, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills. Total -- 29.

Total -- 70.

Whereupon the Speaker declared **H 194** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objections, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### Adjournment

Mr. Denney moved that the House adjourn until 10:45 a.m., Tuesday, February 18, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:03 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk